UNITED STATES PATENT AND TRADEMARK OFFICE

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10/682,507	10/10/2003	Michiharu Arimoto	L8612.03103	9880

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EXAMINER
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ART UNIT	PAPER NUMBER
2144	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 October 2003_.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _10 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _10/10/2003_.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed on October 10, 2003. Claims 1-24

represent Network monitoring system.

Objections

2.   Claim 7 is objected to because the following informalities: Claim 7 recites language

"msec" which appears to be shorthand or an abbreviation. Examiner suggests spelling out entire

word. Appropriate corrections made by the Applicant is requested.

3.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

4.   **Claims 1-24** are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter. The claims may be directed towards software only, which is

functional descriptive material, which per se is not statutory.

Claims 1-24 are directed to software that is not implemented on a computer-readable

medium.

As per claim exemplary claim 1, claim 1 are directed towards a network monitoring

system with "a data acquisition section...a data analysis section...and a display-information

generation section for generating display information." All of which may be software only,

which is functional descriptive material, which per se is nonstatutory.

5.   *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-24, are rejected under 35 U.S.C. 102(b) as being anticipated by Cartsonis et al.

(U.S. Patent No. 6,584,501 B1, hereinafter Cartsonis).

As per claim 1, Cartsonis teaches a network monitoring system for monitoring a

communication state on a network in which action explanation information for explaining a

single action is divided into a plurality of packets, the network monitoring system comprising: a

data acquisition section for acquiring the plurality of packets flown on the network; a data

analysis section **(Figure 8, where the thread analysis takes place based on the packets in the**

stream by the analyzer. The packets are acquired and decoded, col. 6, lines 64-67) for

acquiring the action explanation information from the plurality of packets acquired by the data

acquisition section **(col. 2, lines 58-67, Figure 8, where packets in the streams are acquired**

and decoded); and a display-information generation section for generating display information,

which is used to display the single action on the network on a single screen on the basis of the

action explanation information acquired by the data analysis section (**Abstract, col. 3, lines 58-67 col. 2, lines 58-67, and col. 7, lines 10-26, where Cartsonis teaches a method for analyzing and displaying network traffic performance assessment data in a computer network and upon receiving a plurality of packets, performs thread analysis and then collects and stores the information. Cartsonis further discloses a generated graphical representation of the analyzed data**).

As per claim 2, Cartsonis teaches a network monitoring system wherein the action explanation information is defined in advance (**col. 4, lines 38-52, where the user is able to define action information, col. 7, lines 37-52**).

As per claim 3, Cartsonis teaches a network monitoring system wherein the data analysis section identifies kinds of the packets acquired by the data acquisition section and acquires the action explanation information from the packets on the basis of the identified kinds of the packets (**col. 6, lines 64-67 and col. 7, lines 1-9, where individual packets are decoded and defined in relation to a specific application being analyzed**).

As per claim 4, Cartsonis teaches a network monitoring system wherein the action explanation information includes sending source computer information, destination computer information, and action information (**col. 4, lines 38-52, col. 6, lines 58-63 and col. 7, lines 6-10**).

As per claim 5, Cartsonis teaches a network monitoring system further comprising an analysis data storage section for storing the action explanation information acquired by the data analysis section, wherein: the display-information generation section regenerates the display

information used to playback and display the action explanation information stored by the

analysis data storage section in response to a request of a user **(the analysis data storage section**

is taught by Cartsonis, col. 6, lines 53-63, where the analyzer which performs thread

analysis "stores information describing the thread name, source and destination nodes", etc

and col. 7, lines 10-25, Figure 7, item 704).

As per claim 6, Cartsonis teaches a network monitoring system wherein the action

explanation information stored by the analysis data storage section includes time information,

which corresponds to time at which the single action was performed **(col. 4, lines 38-46 and col.**

5, lines 4-17); and the display-information generation section regenerates the display information

used to playback and display the action explanation information stored by the analysis data

storage section in accordance with the time information, in response to a request of a user **(col. 5,**

lines 4-17,co. 7, lines 59-65 and col. 7, lines 37-52, where bars of the graphical

representation are updated in accordance with the new time axis).

As per claim 7, Cartsonis teaches a network monitoring system wherein the display-

information generation section continuously plays back and displays the action explanation

information stored by the analysis data storage section at the same time interval to an accuracy of

500 msec as the action was executed, in response to a request of a user **(col. 7, lines 59-65).**

As per claim 8, Cartsonis teaches a network monitoring system wherein the display-

information generation section extracts and generates the display information in accordance with

display setting by a user **(col. 3, lines 58-65, col. 7, lines 59-65, and col. 7, lines 37-52).**

Claims 9-16 are substantially the same as claims 1-8 but in method form rather than

system form. Therefore, claims 9-16 are rejected using the same rationale as claims 1-8.

Claims 17-24 are substantially the same as claims 1-8 and thus rejected using the same

rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The

examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-3922.   Information

regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

William J. Vaughn

Supervisory Patent Examiner   **April 26, 2007**

WILLIAM VAUGHN
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